

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO *
CHICAGO POLICE DEPARTMENT

285980

DATE OF REPORT (DAY MO -YEAR)

31 DEC 02

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED

TO: SUPERINTENDENT OF POLICE
ATTENTION [X] ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
[] ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Socorro Sevilla				RANK INV	STAR NO 283	SOCIAL SEC NO	EMPLOYEE NO [REDACTED]	UNIT ASSIGN 113
ADDRESS OF INCIDENT [REDACTED]				DATE OF INCIDENT - TIME 23 NOV 02/ 1330		BEAT OF INCIDENT		LOCATION CODE* 17
ACCUSED	NAME 1 Marvin Eng			RANK P.O.	STAR NO 11009	SOCIAL SEC NO [REDACTED]	EMPLOYEE NO [REDACTED]	UNIT ASSIGN 013
	Unidentified							
	SEX/RACE 1. M/A	DOB [REDACTED] 70	DATE OF APPOINTMENT 14 AUG 2000		DUTY STATUS (TIME OF INCIDENT) [X] ON DUTY [] OFF DUTY		[X] SWORN [] CIVILIAN	PHYS COND CODE 01
	2			[] ON DUTY [] OFF DUTY		[] SWORN [] CIVILIAN		
	IF APPLICABLE - BASIC APPOINTMENT INDICATED 1		CHARGES		COURT BRANCH	DISPOSITION & DATE		
COMPLAINANT	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE M/B	DOB /AGE [REDACTED] 36
								PHYS COND CODE 01
VICTIMS	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	DOB /AGE
								PHYS COND CODE
WITNESSES	NAME		ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE	DOB /AGE
								PHYS COND CODE

[X] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES

See Attached Report

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh /Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured - Not Hospitalized
04 Injured - Not Hospitalized - Under Influence
05 Injured - Hospitalized
06 Injured - Hospitalized - Under Influence
07 Injured - Refused Medical Aid
08 Injured - Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX. FAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

**** SEE PAGE TWO ****

SUMMARY

ATTACHMENTS

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS

11

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER(S)
LIST ATTACHMENT NUMBERS:

2,3,4,5,6,25,27

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:

31

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

Accused Officer #1:

Allegation #1:

Allegation #2:

P.O. Marvin Eng #11009, Unit 013

Not Sustained

Not Sustained

Accused Officer #2:

Allegation #1:

Unidentified

Not Sustained

Office of Professional Standards, Dennis Crosby, #113

FINDINGS-RECOMMENDATIONS

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

29 NOV 02

DATE COMPLETED
(DATE OF THIS
REPORT)

31 DEC 02

ELAPSED TIME
(TOTAL TIME
EXPRESSED IN DAYS)

72 DAYS

Investigator will initiate the Command Channel Review
for by completing the Investigator's Section

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

OFFICE OF PROFESSIONAL STANDARDS
CR 25980

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ALLEGATIONS:

On 25 November 02, at approximately 1036 hours, the complainant [REDACTED] telephoned the Office of Professional Standards and registered a complaint with Intake Aide Yolanda Toppins, Employee Number [REDACTED] alleges that on 23 November 02, at approximately 1330 hours [REDACTED] Officer Marvin Eng #11009:

- (1) Planted drugs on him, and
- (2) Struck him about the body.

[REDACTED] further alleges that on the same date/time and location several **unidentified** officers:

- (1) Struck him about the body, face, and head with closed fists.

INVESTIGATION:

In a telephone interview the complainant, [REDACTED] stated that on 23 November 2002, at approximately 1330 hours, he was having a conversation with [REDACTED] in [REDACTED]

[REDACTED] According to [REDACTED] a marked squad car approached them and two uniformed officers exited from the vehicle. The officers began to question [REDACTED]

[REDACTED] stated that he was ordered by the two officers to sit in the back seat of the squad car. [REDACTED] complied. The officers then drove [REDACTED] approximately two blocks south on Whipple, and as [REDACTED] inquired why he was being held, he looked at the screen inside the squad car and observed a message stating, "Look behind the building there's a bag." [REDACTED]

[REDACTED] related that they approached the rear of the building, and the passenger officer, a male/Asian exited from the vehicle. Shortly after, the Asian officer returned with a bag, and stated to [REDACTED]

[REDACTED] "You are in trouble." [REDACTED] was then driven to the police station. [REDACTED] indicated that he was not handcuffed and when the officers opened the squad car door, he fled.

[REDACTED] stated that he was apprehended [REDACTED] by approximately "twenty" uniformed Asian and Hispanic officers. [REDACTED] related that the officers struck him about the body, face, and head closed fists. [REDACTED] stated that he was transported to the police station, and placed in an interview room. [REDACTED] stated that once he was placed in the interview room an officer by the name of "Lopez" struck him several times on the chest with a closed fist. [REDACTED] stated that he read the officer's name from the name tag on his shirt. [REDACTED] stated that he requested medical treatment and was transported to [REDACTED]

INVESTIGATION CONTINUED:

The medical records from [REDACTED] reflect that [REDACTED] informed hospital personnel that he sustained his injuries by being "beaten up by the police." [REDACTED] diagnosed as having a facial contusion, hand sprain and blunt back trauma.

Department reports indicate that [REDACTED] was arrested and charged with Simple Battery, and Possession of a Controlled Substance. The arrest report indicates that [REDACTED] resisted arrest and caused injury to Officer Marvin Eng #11009.

The Attendance and Assignment records show that there are several officers assigned to the 013th District with the last name "Lopez." [REDACTED] failed to cooperate with this investigation by missing his appointment to view photographs at the Internal Affairs Division.

In a To-From Report, accused officer Marvin Eng #11009, stated he responded to a Drug Selling call [REDACTED] Officer Eng denied planting any drugs on [REDACTED]

In a To-From Report, witness officer Frederick G. Gopez #13205, stated that he and his partner, Officer Eng responded to a call of "Selling Drugs." Officer Gopez did not observe Officer Eng plant drugs on [REDACTED] in [REDACTED]

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CONCLUSION:

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